

## Message Text

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ACTION ARA-15

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E.O. 11652: N/A  
TAGS: SHUM, VE  
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES - VENEZUELA

REF: STATE 215083

1. VENEZUELA IS A FUNCTIONING DEMOCRACY WITH A GOOD HUMAN RIGHTS RECORD. DURING PRESIDENT CARTER'S MARCH 28-29, 1978 VISIT TO VENEZUELA THE TWO PRESIDENTS ISSUED A JOINT COMMUNIQUE REAFFIRMING THEIR COMMITMENT TO THE PRESERVATION AND STRENGTHENING OF DEMOCRACY AND OF THE IMPORTANCE OF HUMAN RIGHTS AND THEIR COMMITMENT OF THE CHARTERS OF THE OAS AND THE UN. IN OTHER FORA, PRESIDENT PEREZ OF VENEZUELA HAS PRAISED PRESIDENT CARTER FOR HIS STAND FAVORING THE OBSERVANCE OF HUMAN RIGHTS WORLD-WIDE AND VENEZUELA HAS SUPPORTED US INITIATIVES IN THE FIELD OF HUMAN RIGHTS. IN PARTICULAR, BOTH COUNTRIES HAVE SUPPORTED THE RATIFICATION OF THE AMERICAN CONVENTION OF HUMAN RIGHTS, AND EXPRESSED INTEREST IN SEEING THE AUTONOMY AND RESOURCES OF THE INTER-AMERICAN HUMAN RIGHTS COMMISSION INCREASED.

VENEZUELA'S RECORD CONCERNING HUMAN RIGHTS HAVE IMPROVED DRAMATICALLY IN THE 20-YEAR PERIOD SINCE THE END OF THE PEREZ JIMENEZ DICTATORSHIP AS DEMOCRATIC INSTITUTIONS AND  
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PRACTICES HAVE TAKEN HOLD. IT HAS A GENERALLY UNFETTERED PRESS, AN INDEPENDENT JUDICIARY, WHICH ENFORCES THE RIGHT OF HABEUS CORPUS IN CASES NOT INVOLVING NATIONAL SECURITY, AND AN OPEN POLITICAL SYSTEM IN WHICH POLITICAL PARTIES FREELY COMPETE FOR PUBLIC ATTENTION AND VOTES.

IT SHOULD BE NOTED, HOWEVER, THAT OCCASIONALLY THERE

ARE CHARGES OF HUMAN RIGHTS VIOLATIONS LEVELED AGAINST VENEZUELA. LOCAL HUMAN RIGHTS GROUPS DO ASSERT THERE ARE POLITICAL PRISONERS, AND PUBLISH CHARGES OF ABUSE BY AUTHORITIES AGAINST SUCH PRISONERS. WHILE INDIVIDUAL ABUSES MAY HAVE OCCURED, THERE IS NO INDICATION THAT THE VENEZUELAN GOVERNMENT CONDONES SUCH OFFENSES. FURTHER, WHILE POLITICALLY ACTIVE PRISONERS IN SOME CASES CONSIDER THEMSELVES INCARCERATED SOLELY FOR "POLITICAL" CRIMES, IN NO CASES OF WHICH THE EMBASSY IS AWARE HAVE PERSONS BEEN HELD INDEFINITELY WITHOUT BEING CHARGED WITH SPECIFIC OFFENSES UNDER THE LAW.

FINALLY, SOME PERSONS, PARTICULARLY THOSE CHARGED WITH MILITARY CRIMES, ARE INCARCERATED FOR SUBSTANTIAL PERIODS WITHOUT TRIAL SINCE THERE IS NO ENFORCEABLE LIMIT ON THE AOUNT OF TIME THE STATE CAN TAKE IN PREPARING A CASE FOR TRIAL.

2. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. TORTURE: VENEZUELAN PRACTICES RESPECT THE CONSTITUTIONAL GUARANTEES OF INTEGRITY OF THE PERSON. TORTURE IS NOT PRACTICED.

B. CRUEL, INHUMAN OR DEGRADING PUNISHMENT: VENEZUELAN LAWS LIMITED OFFICIAL USE

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PROHIBIT CRUEL, INHAMAN OR DEGRADING TREATMENT OR PUNISHMENT AND THIS PROHIBITION IS RESEPCTED IN MOST CIRCUMSTANCES. DURING 1977, THE OFFICE OF HUMAN RIGHTS OF THE PUBLIC MINISTRY, CHARGED WITH OVERSEEING QUESTIONS OF ABUSES OF CONSTITUTIONALLY PROTECTED HUMAN RIGHTS REPORTED THAT IT UNDERTOOK 969 BASIC INVESTIGATIONS OF ALLEGED VIOLATIONS OF HUMAN RIGHTS, IN THE FOLLOWING CATEGORIES: 85 - MURDER; 471 - WOUNDS; 170 - ABUSE OF AUTHORITY; 66 - PHYSICAL MISTREATMENT. THE OFFICE INVESTIGATES AND ECIDES WHETHER THERE ARE GROUNDS FOR CHARGING OFFICIALS WITH OFFENSES. A NUMBER OF PRISONERS CHARGED WITH MILITARY CRIMES HELD AT CAN CARLOS MILITARY PRISON HAVE, DURING THE PAST YEAR, PUBLICLY CLAIMED THEY HAVE BEEN MISTREATED, ALTHOUGH MOST OF THEIR COMPLAINTS CONCERN DENIAL OF READING MATERIALS, VISITS ETC. RATHER THAN PHYSICAL MISTREATMENT. THERE HAVE ALSO BEEN PERSISTENT PRESS REPORTS THAT VENEZUELAN POLICE OFFICIALS HAVE ORGANIZED "DEATH SQUADS" WHICH EXECUTE COMMON CRIMINALS DURING SHOOT-OUTS AND OTHER CONFRONTATIONS. THESE ALLEGATIONS HAVE GAINED NOTORIETY BECAUSE OF THE SIZEABLE NUMBER OF COMMON CRIMINALS REPORTED KILLED DURING POLICE OPERATIONS. PRESIDENT PEREZ AND OTHER PROMINENT OFFICIALS, INCLUDING THE FISCAL GENERAL (RESPONSIBLE UNDER THE CONSTITUTION FOR PROTECTING

CITIZENS' RIGHTS) HAVE CATEGORICALLY DENIED ANY SUCH POLICE ACTIVITY. IN ADDITION, NONE OF THE OPPOSITION PARTIES HAVE CHARGED THE GOVERNMENT WITH OPERATING SUCH DEATH SQUADS. FINALLY, OPPOSITION POLITICIANS AND OTHERS HAVE ON OCCASION CHARGED SECURITY AUTHORITIES WITH MISTREATING PEASANT SUSPECTS BEING INTERROGATED IN CONNECTION WITH THE LOW-LEVEL TERRORIST ACTIVITIES IN EASTERN VENEZUELA.

C. ARBITRARY ARREST AND IMPRISONMENT: UNDER VENEZUELAN LAW, ALL PERSONS CHARGED WITH CRIMES CANNOT BE HELD LONGER THAN EIGHT DAYS WITHOUT HAVING FORMAL CHARGES FILED AGAINST THEM. IN MOST CASES SUCH CHARGES ARE FILED WITHIN THE TIME PERIOD.

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D. DENIAL OF FAIR PUBLIC TRIAL: THE SLOWNESS OF THE JUDICIAL SYSTEM SOMETIMES LEADS TO THE SITUATION OF "JUSTICE DELAYED, JUSTICE DENIED." THIS IS PRACTICALLY TRUE OF CASES INVOLVING THE MILITARY COURTS WHERE PRISONERS ACCUSED OF TERRORIST OR SUBVERSIVE ACTS CAN BE AND HAVE BEEN INCARCERATED FOR LENGTHY PERIODS WITHOUT TRIAL SINCE THERE IS NO ENFORCEABLE LIMIT ON THE AMOUNT OF TIME THE STATE CAN TAKE IN PREPARING A CASE FOR TRIAL.

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E. INVASION OF THE HOME: THERE ARE EFFECTIVE LEGAL SAFEGUARDS AGAINST ARBITRARY INVASION OF THE HOME.

3. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION.

THE POLICIES OF THE VENEZUELAN GOVERNMENT ARE DESIGNED TO RESPONSE TO THE NEEDS OF THE POOR. RECENT MEASURES INCLUDE SUPPLEMENTARY NUTRITIONAL PROGRAMS FOR UNDERPRIVILEGED CHILDREN, LOW COST HOUSING PROJECTS, EXPANSION OF HEALTH CARE FACILITIES IN THE INTERIOR, AND INCREASES IN THE NUMBER OF SCHOOLS AND TECHNICAL INSTITUTIONS NATIONWISE. BOTH MAJOR PARTY PRESIDENTIAL CANDIDATES HAVE BASED MUCH OF THEIR CAMPAIGN PROGRAMS ON INCREASED SOCIAL SERVICES. FURTHER, 40 PERCENT OF THE \$12 BILLION 1978 BUDGET WAS EARMARKED FOR SOCIAL SERVICES, INCLUDING PUBLIC HEALTH, SCHOOL AND WELFARE.

LABOR RIGHTS ARE GUARANTEED BY THE GOVERNMENT, BOTH IN THEORET AND PRACTICE. SINCE THE ESTABLISHMENT OF DEMOCRACY IN 1958 WITH LABOR UNION SUPPORT, TRADE UNIONS HAVE PLAYED AN IMPORTANT POLITICAL ROLE AND ASSURED REPRESENTATION OF WORKERS IN VENEZUELA'S DEVELOPING POLITICAL PROCESS. THE GOVERNMENT OPERATES A SOCIAL SECURITY SYSTEM WHICH COVERS MOST WAGE AND SALARY EARNERS. WHILE THE CONSTITUTION AND LIMITED OFFICIAL USE

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OTHER LAWS PROVIDE EQUAL JOB AND INCOME RIGHTS TO WOMEN, LATIN SOCIAL CONVENTIONS AND TRADITION HAVE PREVENTED WOMEN FROM ENJOYING EQUAL ACCESS TO JOBS AND WAGES. THIS SITUATION IS CHANGING RAPIDLY, HOWEVER, AS WOMEN WORKERS ARE NOW BEING SOUGHT TO RELIEVE THE ACUTE SHORTAGE OF TRAINED WORKERS.

WHILE CORRUPTION IS A CAMPAIGN ISSUE AND IS A PROBLEM IN CONTEMPORARY VENEZUELA THERE IS NO INFORMATION TO SUBSTANTIATE THAT A SIGNIFICANT AMOUNT OF RESOURCES IS DIVERTED FROM THE MAJORITY OF THE POPULATION BECAUSE OF IT. CORRUPTION ITSELF PROBABLY SIPHONS OFF ONLY A SMALL FRACTION OF THE GOVERNMENT'S TOTAL BUDGETARY OUTLAYS.

TAXES IN VENEZUELA ARE NOT ONEROUS. FEW VENEZUELAN'S PAY INCOME TAXES, SINCE THE BULK OF THE GOVERNMENT'S REVENUE COMES FROM PETROLEUM. THE TAX BURDEN IS VERY LOW. INCOME TAXES, WHICH APPLY ONLY TO THOSE EARNING MORE THAN \$17,000 IS STEEPLY PROGRESSIVE. OTHER SALES TAXES ARE NOT BURDENSOME AND DO NOT CONSTITUTE A VIOLATION OF ECONOMIC HUMAN RIGHTS.

4. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION AND ASSEMBLY:

RESPECT FOR CIVIL AND POLITICAL LIBERTIES IS WELL ESTABLISHED.  
THERE IS NO PRIOR CENSORSHIP AND ALL RELIGIOUS GROUPS ARE  
FREE TO ORGANIZE AND TO PRACTICE THEIR RELIGION WITHOUT STATE  
INTERFERENCE. WHILE THE PRESS IS UNFETTERED IN GENERAL TERMS,  
THERE ARE OCCASIONAL ABUSES, WHEN THE GOVERNMENT BELIEVES THAT  
CRITICISM EITHER INVOLVES SUPPORT OF SUBVERSION OR EXCEEDS THE  
BOUNDS OF PERSONAL PROPRIETY. IN ISOLATED CASES, THE  
VENEZUELAN GOVERNMENT HAS JAILED JOURNALISTS, TEMPORARILY  
CANCELLED MEDIA PROGRAMS AND IN SOME CASES WITHDRAWN  
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GOVERNMENT ADVERTISING. IN ALL SUCH CASES THE MEDIA AND  
PROFESSIONAL JOURNALIST ASSOCIATIONS HAVE BEEN PERMITTED TO  
MAKE THEIR CASE FREELY.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL  
AND EMIGRATION - THERE ARE NO RESTRICTIONS ON FREEDOM OF  
MOVEMENT, TRAVEL AND EMIGRATION.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL - PROCESS -  
THERE IS FULL FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS  
AND MORE THAN 90 PERCENT OF THE ELIGIBLE POPULATION IS EXPECTED TO  
VOTE IN THE DECEMBER 1978 NATIONAL ELECTIONS.

5. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL  
AND NON-GOVERNMENT VIOLATIONS OF HUMAN RIGHTS.

THE VENEZUELAN GOVERNMENT HAS PERMITTED AMNESTY  
INTERNATIONAL TO OPEN AN OFFICE HERE, ALLOWED INVESTIGATORS  
FROM THE INTER-AMERICAN PRESS ASSOCIATION TO TRAVEL FREELY  
AND OTHERWISE SUPPORTED HUMAN RIGHTS ENDEAVORS, INCLUDING  
THE INTER-AMERICAN HUMAN RIGHTS COMMISSION (PRESENTLY CHAIRMANED  
BY A VENEZUELAN) AS WELL AS THE CREATION OF A UNITED NATIONS  
MECHANISM FOR THE MONITORING OF HUMAN RIGHTS VIOLATIONS.  
CROWLEY

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